



U.S. Department of Justice

United States Attorney
Southern District of New York**MEMO ENDORSED**86 Chambers Street, 3rd floor
New York, New York 10007

July 30, 2008

BY HAND AND BY FAX TO (212) 805-6724

The Honorable Frank Maas
 United States Magistrate Judge
 Daniel Patrick Moynihan United States Courthouse
 500 Pearl Street, Room 740
 New York, New York 10007

In light of this letter,
 I see no need for
in camera review.

Maas, USMJ,

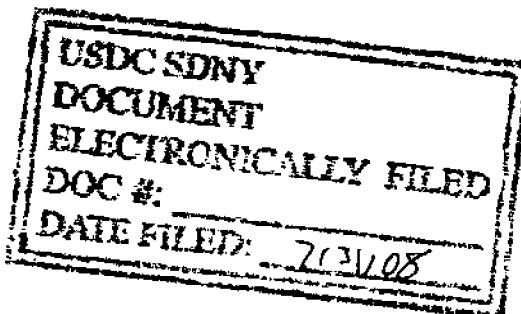
7/30/08

Re: Aguilar v. U.S. Immigration & Customs Enforcement,
No. 07 Civ. 8224 (JGK) (FM)

Dear Judge Maas:

On behalf of the defendants, we write in response to the Court's July 17, 2008, order requiring the defendants to "submit to the Court for in camera review unredacted copies of the portions of the ICE policy manual related to home searches and border searches." We started gathering these materials soon after the July 17 conference, but we did not realize until late yesterday that the order required the documents to be submitted by July 25. This submission is therefore late, and we sincerely apologize for the delay.

Upon further review of the various ICE manuals dealing with consent searches and border searches, we have determined that, in each case, the two subjects are treated in the same chapter. Thus, if a given chapter discusses consent searches — and is therefore responsive to plaintiffs' document requests — we plan to produce the entire chapter (subject to any redactions for privilege), and we will not be redacting sections dealing with border searches or other nonresponsive topics. Because we do not believe there is any issue for the Court to decide with respect to these chapters — i.e., the sections dealing with border searches will not be redacted — we have not provided them to the Court for in camera review. Of course, if the Court wishes to review the chapters, we will promptly provide them.



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Thank you for your consideration of this matter.

Respectfully,

MICHAEL J. GARCIA
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Southern District of New York

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